

**BEFORE THE DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation  
Against:**

**SIDNEY J. HAYES, M.D.  
Certificate #C-34004**

**Respondent.**

**File No: 09-91-14015**

**DECISION AND ORDER**

The attached Stipulation for Surrender of License is hereby adopted by the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in the above-entitled matter.

This Decision shall become effective on July 29, 1996.

DATED June 27, 1996.

**DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA**



**Ira Lubell, M.D.  
Chair, Panel A**

1 DANIEL E. LUNGREN, Attorney General  
2 of the State of California  
3 STEVEN H. ZEIGEN,  
4 Deputy Attorney General, State Bar No. 60225  
5 Department of Justice  
6 110 West "A" Street, Suite 1100  
7 P.O. Box 85266  
8 San Diego, California 92186-5266  
9 Telephone: (619) 645-2074  
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11 Attorneys for Complainant

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**BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

11 In the Matter of the Accusation ) Case No. 09-91-14015  
12 Against: )  
13 )  
14 SIDNEY J. HAYES, M.D. )  
15 61651 29 Palms Highway )  
16 Joshua Tree, CA 92252 ) STIPULATION FOR  
17 ) SURRENDER OF LICENSE  
18 Physician and Surgeon's )  
19 Certificate No. C34004 )  
20 )  
21 Respondent )  
22 \_\_\_\_\_ )

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**IT IS HEREBY STIPULATED AND AGREED** by and between the  
parties to the above-entitled proceedings, that the following  
matters are true:

1. Complainant, Ron Joseph, is the Executive Director  
of the Medical Board of California, Department of Consumer  
Affairs ("Board") and is represented by Daniel E. Lungren,  
Attorney General of the State of California by Steven H. Zeigen,  
Deputy Attorney General.

/ / /

1  
2           2.     Sidney J. Hayes, M.D. ("respondent") is represented  
3 in this matter by Raymond R. Hayes, Esq., Bridegroom and Hayes,  
4 1656 N. Columbus Blvd., Tucson, Az., 85712. Respondent has  
5 counseled with his attorney concerning the effect of this  
6 stipulation which respondent has carefully read and fully  
7 understands.

8           3.     Respondent has received and read the Accusation  
9 which is presently on file pending in Case Number 09-91-14015  
10 before the Division of Medical Quality of the Medical Board of  
11 California, Department of Consumer Affairs (hereinafter the  
12 "Division"), a copy of which is attached as Exhibit A and  
13 incorporated by reference herein.

14           4.     Respondent understands the nature of the charges  
15 alleged in the Accusation and that, if proven at hearing, such  
16 charges and allegations would constitute cause for imposing  
17 discipline upon respondent's license issued by the Board.

18           5.     Respondent acknowledges that he is retired from the  
19 practice of medicine. Further, Respondent is 87 years of age  
20 and suffered a heart attack in October, 1995. Respondent  
21 realizes that he is presently unable to continue to practice  
22 medicine in California and further believes that the inherent  
23 stress involved in contesting the allegations against him would  
24 be extremely detrimental to his mental and physical health.  
25 Therefore, pursuant to this agreement, respondent voluntarily  
26 relinquishes his medical license to the State of California.  
27 The State of California, in return, shall dismiss all  
28

1 accusations against respondent. It is further agreed, however,  
2 that should respondent ever file an application for relicensure  
3 or reinstatement of his license in the State of California that  
4 the accusations contained in Exhibit A shall be immediately  
5 reinstated. Respondent further agrees that should he file said  
6 application for relicensure in California that he will be deemed  
7 to have forfeited his right to contest said accusations  
8 contained in Exhibit A, which rights include the right to a  
9 hearing on the charges, the right to confront and cross examine  
10 the witnesses, the right to testify and present evidence on his  
11 own behalf as well as the right to subpoena and compel the  
12 attendance of witnesses on behalf of respondent, and any other  
13 rights accorded respondent pursuant to any California laws and  
14 specifically including California Administrative Procedure Act  
15 (Gov. Code, §11500 et seq.). Further, respondent waives the  
16 right to seek reconsideration or review by the Superior Court  
17 or any appellate court regarding any matters contained in this  
18 stipulation.

19 6. Respondent understands that by signing this  
20 stipulation he is enabling the Division of Medical Quality to  
21 issue its order accepting the surrender of his license without  
22 further process. He understands and agrees that Board staff and  
23 counsel for complainant may communicate directly with the  
24 Division regarding this stipulation, without notice to or  
25 participation by respondent or his counsel. In the event this  
26 stipulation is rejected for any reason by the Division, it will  
27

1 be of no force or effect for either party. The Division will  
2 not be disqualified from further action in this matter by virtue  
3 of its consideration of this stipulation.  
4

5 7. Upon acceptance of the stipulation by the Division,  
6 respondent understands he will no longer be permitted to  
7 practice as a physician and surgeon in California, and also  
8 agrees to surrender his license and wallet certificate before  
9 the effective date of the decision.

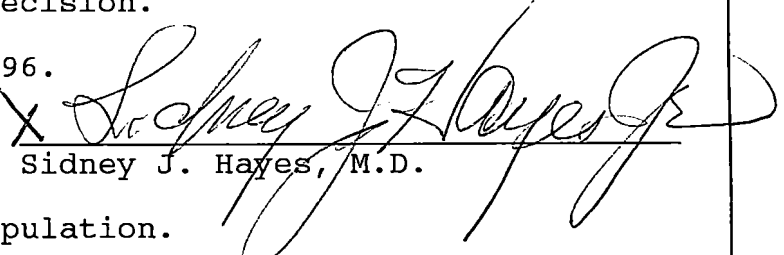
10 8. Should the respondent file an application for  
11 relicensure he must comply with all the laws, regulations and  
12 procedures for reinstatement of a revoked license in effect at  
13 the time the application is filed, and at that time, all of the  
14 charges and allegations contained in Accusation No. 09-91-14015  
15 will be deemed to be true, correct and admitted by respondent  
16 when the Divisions determines whether to grant or deny the  
17 petition.

#### 18 ACCEPTANCE

19 I, Sidney J. Hayes, M.D., have carefully read the above  
20 stipulation and enter into it freely and voluntarily with the  
21 advice of counsel, and with full knowledge of its force and  
22 effect, do hereby surrender my Physician's and Surgeon's  
23 Certificate No. C34004, to the Division of Medical Quality,  
24 Medical Board of California for its formal acceptance. By  
25 signing this stipulation to surrender my license, I recognize  
26 that upon its formal acceptance by the Division, I will lose all  
27 rights and privileges to practice as a physician and surgeon  
28

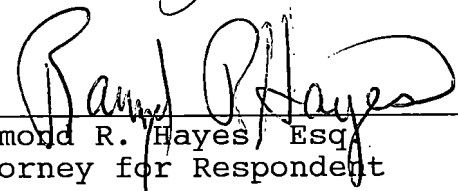
1 in the State of California and I also will cause to be delivered  
2 to the Division both my license and wallet certificate before  
3 the effective date of the decision.

4 DATED: 13 May 96 1996.

5   
6 Sidney J. Hayes, M.D.

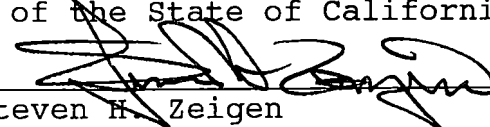
7 I concur in the stipulation.

8 DATED: 13 May 96 1996.

9   
10 Raymond R. Hayes, Esq.  
Attorney for Respondent

11 DATED: 3 June, 1996.

12 DANIEL E. LUNGREN, Attorney General  
13 of the State of California

14   
15 Steven H. Zeigen  
16 Deputy Attorney General  
17 Attorneys for Complainant  
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1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 SHERRY L. LEDAKIS,  
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3 California Department of Justice  
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San Diego, California 92186-5266  
5 Telephone: (619) 645-2078

6 Attorneys for Complainant  
7

8 **BEFORE THE**  
9 **DIVISION OF MEDICAL QUALITY**  
10 **MEDICAL BOARD OF CALIFORNIA**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation ) Case No. 09-91-14015  
Against: )  
12 )  
13 **SIDNEY J. HAYES, M.D.** ) **A C C U S A T I O N**  
61651 29 Palms Highway )  
Joshua Tree, CA 92252 )  
14 )  
15 License No. C34004, )  
16 Respondent. )  
17

18 The Complainant alleges:

19 **PARTIES**

20 1. Complainant, Ron Joseph, is the Executive Director  
21 of the Medical Board of California (hereinafter the "Board") and  
22 brings this accusation solely in his official capacity.

23 2. On or about February 3, 1972, license no. C34004  
24 was issued by the Board to Sidney Joseph Hayes, Jr. (hereinafter  
25 "respondent"), and at all times relevant to the charges brought  
26 herein, this license has been in full force and effect. Unless  
27 renewed, it will expire on January 31, 1997.

## JURISDICTION

3. This accusation is brought before the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs (hereinafter the "Division"), under the authority of the following sections of the California Business and Professions Code (hereinafter "Code"):

A. Section 2227 of the Code provides that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act.

B. Section 2234 of the Code provides that unprofessional conduct includes, but is not limited to, the following:

"(b) Gross negligence.

(c) Repeated negligent acts.

(d) Incompetence."

C. Section 2242 provides that prescribing, dispensing or furnishing dangerous drugs without a good faith prior examination and medical indication therefore constitutes unprofessional conduct.

D. A dangerous drug is defined in Section 4211 as any drug that is unsafe for self-medication and which can lawfully be dispensed only by prescription.

E. Section 125.3 of the Code provides, in part, that the Board may request the administrative law judge to direct any licensee found to have committed a violation or violations of the licensing act, to pay the Board a sum not



1 to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

3 **CAUSES FOR DISCIPLINE**

4 (Facts concerning patient Sylvia H.)

5 4. Respondent Sydney Joseph Hayes, Jr., M.D., is  
6 subject to disciplinary action under sections 2234(b), 2234(c),  
7 2234(d), and section 2242 of the Business and Professions Code in  
8 his treatment of his patient Sylvia H. The circumstances are as  
9 follows:

10 A. On or about May 9, 1990, 83 year old Sylvia  
11 H. first saw respondent. He diagnosed her with anemia,  
12 dizziness, nose bleeds and arthritis. He ordered blood  
13 tests, an EKG and prescribed several drugs for her  
14 condition. The following day, respondent started the  
15 patient on injections of B12, Depomedrol, Imferon, Steroids  
16 and Estrogen. By mid-June of 1990, the patient had received  
17 eight injections. Thereafter, she received injections about  
18 every two to three weeks for the next 15 months.

19 B. On August 20, 1990, the patient developed a  
20 hematoma on her left buttock. Respondent noted that he  
21 opened and drained the lesion of blood. The patient  
22 continued to receive the injections on a once to twice a  
23 month basis. She developed vaginal bleeding.

24 C. On December 6 1990, Sylvia H.'s heart rate was  
25 documented as being 100. There is no indication in the  
26 chart as to why she had an elevated heart rate or further  
27 evaluation to rule out congestive heart failure. Respondent

1 gave her one injection of Lanoxin with no follow up with  
2 oral medication.

3 D. On April 12, 1991, Sylvia H. was diagnosed  
4 with pyuria based upon a routine urinalysis without a  
5 physical examination. She was treated with multiple  
6 antibiotics and other agents given intramuscularly.

7 E. On May 22, 1991, respondent diagnosed Sylvia  
8 H. with sinusitis, however, the diagnosis was made using  
9 translumination of the sinuses without x-rays, a method  
10 which lacks validity. Respondent documented his treatment  
11 for this condition as "200000 units of Bicillin, 10 mg of  
12 Depomedrol, 10 mg of Hydrocodiene, 1/12 cc Decongest? and 10  
13 mg. Pred?",

14 F. In August of 1991, Sylvia H. developed an  
15 abscess on the left upper outer quadrant of her buttocks at  
16 which time she was taken to the Emergency Room by her son  
17 and followed thereafter by other physicians. Sylvia H.'s  
18 abscess required surgical intervention.

19 G. Sylvia H.'s blood tests revealed that she was  
20 not anemic, yet respondent continued to provide her with  
21 injections of iron, folate and B vitamins during the entire  
22 time that he treated her. Moreover, Sylvia H.'s blood tests  
23 revealed some abnormalities that were never addressed by  
24 respondent.

25 FIRST CAUSE FOR DISCIPLINE

26 (Gross Negligence)

27 5. Respondent Sydney Joseph Hayes, Jr., M.D., is

1 subject to disciplinary action under section 2234(b) of the  
2 Business and Professions Code in his treatment of his patient  
3 Syliva H. as follows:

4           A. Respondent failed to obtain an  
5 appropriate history and perform an adequate  
6 physical examination of Sylvia H. prior to  
7 giving her medication;

8           B. Respondent diagnosed Sylvia H. as  
9 anemic despite a normal Hbg and Hct;

10           C. Respondent failed to document and  
11 address the abnormal laboratory results;

12           D. Respondent gave Sylvia H. numerous  
13 injections of multiple vitamins, iron, estrogen  
14 and steroids over a prolonged period of time  
15 indicating a lack of knowledge of the effects of  
16 such frequent injections;

17           E. On April 12, 1991, respondent  
18 diagnosed Sylvia H. with pyuria without a  
19 physical examination and gave her multiple  
20 antibiotics intramuscularly; and

21           F. On May 22, 1991, when respondent  
22 diagnosed Sylvia H. with sinusitis, he  
23 treated her with a large dose of antibiotics  
24 injected with multiple other agents at the  
25 same time, and then failed to appropriately  
26 follow-up with oral agents.

27 \\\



1 same time, and then failed to appropriately  
2 follow-up with oral agents;

3 G. Respondent treated Sylvia H.'s  
4 arthritic condition by injecting her with  
5 Steroids over a prolonged period of time.  
6 Steroid use has several adverse side effects  
7 including: lowering of the immune system  
8 resulting in the patient being more  
9 susceptible to infections; osteoporosis,  
10 aseptic necrosis of the hip, peptic ulcers,  
11 seizures, cataracts and many others;

12 H. Respondent failed to appropriately  
13 diagnose and evaluate Sylvia H.'s vaginal  
14 bleeding; and

15 I. On December 6, 1990, when Sylvia H.  
16 had a heart rate of 100, respondent failed to  
17 perform an adequate physical examination,  
18 make an appropriate diagnosis, and  
19 appropriately treat the condition.

20 THIRD CAUSE FOR DISCIPLINE

21 (Incompetence)

22 7. Respondent Sydney Joseph Hayes, Jr., M.D., is  
23 subject to disciplinary action under section 2234(c) of the  
24 Business and Professions Code in his care and treatment of his  
25 patient Sylvia H. as follows:

26 A. Respondent treated Sylvia H.'s  
27 arthritic condition by injecting her with

1 Steroids over a prolonged period of time.  
2 Steroid use has several adverse side effects  
3 including: lowering of the immune system  
4 resulting in the patient being more  
5 susceptible to infections; osteoporosis,  
6 aseptic necrosis of the hip, peptic ulcers,  
7 seizures, cataracts and many other things.

8 B. Respondent treated Sylvia H. for  
9 anemia when blood tests indicated that she  
10 was not anemic;

11 C. Respondent gave Sylvia H. numerous  
12 injections of multiple vitamins, iron,  
13 estrogen and steroids over a prolonged period  
14 of time indicating a lack of knowledge of the  
15 effects of such frequent injections;

16 D. On December 6, 1990, when Sylvia  
17 H.'s heart rate was 100, respondent gave her  
18 only one injection of Lanoxin with no follow  
19 up with oral medication; and

20 E. On May 22, 1991, when respondent  
21 diagnosed Sylvia H. as having sinusitis, he  
22 made the diagnosis using a method which has  
23 no validity.

24 FOURTH CAUSE FOR DISCIPLINE

25 (Prescribing without medical indication)

26 8. Respondent Sydney Joseph Hayes, Jr., M.D., is  
27 subject to disciplinary action under section 2242 of the Business

1 and Professions Code in his care and treatment of his patient  
2 Sylvia H. as follows:

3           A. Respondent prescribed medication(s)  
4           for Sylvia H. for anemia when blood tests  
5           indicated that she was not anemic.

6                           FIFTH CAUSE FOR DISCIPLINE

7                           (Facts concerning patient Janice H.)

8           9. Respondent Sydney Joseph Hayes, Jr., M.D., is  
9           subject to disciplinary action under sections 2234(b), 2234(c),  
10          2234(d), and section 2242 of the Business and Professions Code in  
11          his treatment of his patient Janice H. The circumstances are as  
12          follows:

13                       A. On or about February 10, 1994, 60 year old  
14          patient Janice H. went to see respondent complaining of  
15          bronchitis. Respondent described Janice H.'s heart sounds  
16          as, "3 valves synch with pulse irregular slurred sound not  
17          the same beat each time." His pulmonary examination  
18          revealed "no infection." Nevertheless, he diagnosed her  
19          with bronchitis, and treated her with eight tablets of  
20          Penicillin, eight tablets of Tetracycline and eight tablets  
21          of Advil Cold and Sinus medicine.

22                       B. Janice H. returned to see respondent on  
23          February 14, 1994, for a follow-up visit. Respondent  
24          documented that it had been 9 years since Janice H.'s last  
25          menstrual period. The chart does not document menopausal  
26          symptoms such as hot flashes, mood swings, or irregular  
27          periods which would indicate a need for hormone treatment.

1 Nevertheless, respondent gave her an injection of Estradiol,  
2 Imferon, Folic Acid, Depomedrol, Lanoxin and Vitamin B12.

3 C. Janice H. was told by respondent to  
4 return to his office two times that same week to  
5 receive repeat injections and thereafter he would put  
6 her on oral estrogen.

7 D. Respondent also treated Janice H. for  
8 anemia, however, no blood work was performed to support  
9 this diagnosis. In an interview with Board  
10 investigators, respondent defended his diagnosis of  
11 anemia by stating that he had "the patient clinch her  
12 fist for a short while. Then, when they release the  
13 grip, he watches to see how long it takes to become  
14 pink. If it does not come back fast, she is anemic."  
15 Respondent stated that in his opinion every woman is  
16 somewhat anemic.

17 E. Also, respondent stated that he only used  
18 alcohol to sterilize medical instruments.

19 SIXTH CAUSE FOR DISCIPLINE

20 (Gross Negligence)

21 10. Respondent Sydney Joseph Hayes, Jr., M.D., is  
22 subject to disciplinary action under section 2234(b) of the  
23 Business and Professions Code in his treatment of his patient  
24 Janice H. as follows:

25 A. Respondent failed to adequately and  
26 appropriately sterilize medical instruments.

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1 SEVENTH CAUSE FOR DISCIPLINE

2 (Repeated negligent Acts)

3 11. Respondent Sydney Joseph Hayes, Jr., M.D., is  
4 subject to disciplinary action under sections 2234(c) of the  
5 Business and Professions Code in his treatment of his patient  
6 Janice H. as follows:

7 A. If in fact Janice H. suffered from  
8 bronchitis, respondent only gave her a two day course  
9 of medication which was insufficient to adequately  
10 treat the bronchitis;

11 B. Respondent's description of Janice H.'s  
12 cardiac examination falls below the standard of care  
13 and displays a lack of knowledge in how to describe a  
14 cardiac examination;

15 C. Respondent inappropriately prescribed  
16 injections of Estrogen, vitamins and Imferon (iron) for  
17 Janice H.;

18 D. Respondent failed to adequately and  
19 appropriately sterilize medical instruments;

20 E. Respondent failed to take an adequate  
21 history and perform an adequate physical examination of  
22 his patient Janice H.; and

23 F. Respondent failed to document any  
24 supporting indication for the treatment given to Janice  
25 H.

26 ///

27 ///

1 EIGHTH CAUSE FOR DISCIPLINE

2 (Incompetence)

3 12. Respondent Sydney Joseph Hayes, Jr., M.D., is  
4 subject to disciplinary action under sections 2234(d) of the  
5 Business and Professions Code in his treatment of his patient  
6 Janice H. as follows:

7 A. If in fact Janice H. suffered from  
8 bronchitis, respondent only gave her a two day course  
9 of medication, which was insufficient to adequately  
10 treat the bronchitis;

11 B. Respondent's description of Janice H.'s  
12 cardiac examination falls below the standard of care  
13 and displays a lack of knowledge in how to describe a  
14 cardiac examination;

15 C. Respondent inappropriately prescribed  
16 injections of Estrogen, vitamins and Imferon (iron) for  
17 Janice H; and

18 D. If in fact Imferon was indicated,  
19 respondent failed to administer a test dose to Janice  
20 H. to test for a sensitivity to the drug.

21 NINTH CAUSE FOR DISCIPLINE

22 (Prescribing without medical indication)

23 13. Respondent Sydney Joseph Hayes, Jr., M.D., is  
24 subject to disciplinary action under section 2242 of the Business  
25 and Professions Code in his treatment of his patient Janice H. as  
26 follows:

27 \\\

1           A. Respondent prescribed medication for  
2           his patient Janice H. for bronchitis when his  
3           physical examination did not reveal that she  
4           had bronchitis.

5                           TENTH CAUSE FOR DISCIPLINE

6           (Facts concerning patient Kathryn B.)

7           14. Respondent Sydney Joseph Hayes, Jr., M.D., is  
8           subject to disciplinary action under sections 2234(b), 2234(c),  
9           2234(d), and section 2242 of the Business and Professions Code in  
10          his treatment of his patient Kathryn B. The circumstances are as  
11          follows:

12                   A. On or about June 2, 1992, patient Kathryn  
13          B. went to see respondent for complaints of lung, heart  
14          and arthritic problems. Respondent's medical chart  
15          does not reflect Kathryn B.'s complaints. It does  
16          reflect her past medical history and family history.  
17          The physical examination noted the neck, ears and  
18          throat as "good." The patient's blood pressure was  
19          120/64. There were "some wet rales" right apex and  
20          three plus edema of both legs. There is also a  
21          notation "15 June start Depomedrol, Estrogen." There  
22          is no mention in the chart of an assessment, diagnosis  
23          or plan on this patient. There is no documented  
24          physical examination that would substantiate the need  
25          for hormone therapy, such as a pelvic examination and  
26          pap test.

27        \\

1                   B. In an interview with Board investigators,  
2       respondent told them that he performs a breast  
3       examination by shining a very sensitive light through  
4       the breast and by this method he can see small lumps.  
5       He does feel the axilla and the lateral aspect of the  
6       chest for lumps.

7                   ELEVENTH CAUSE FOR DISCIPLINE

8                   (Gross Negligence)

9                   15. Respondent Sydney Joseph Hayes, Jr., M.D., is  
10       subject to disciplinary action under section 2234(b) of the  
11       Business and Professions Code in his treatment of his patient  
12       Kathryn B. as follows:

13                   A. Respondent's method of performing a  
14       breast examination is not recognized by the medical  
15       community.

16                   TWELTH CAUSE FOR DISCIPLINE

17                   (Repeated negligent Acts)

18                   16. Respondent Sydney Joseph Hayes, Jr., M.D., is  
19       subject to disciplinary action under sections 2234(c) of the  
20       Business and Professions Code in his treatment of his patient  
21       Kathryn B. as follows:

22                   A. Respondent's method of performing a  
23       breast examination is not recognized by the medical  
24       community;

25                   B. Respondent failed to perform and document  
26       a physical examination that would warrant hormone  
27       replacement therapy;

1 C. Respondent failed to document an adequate  
2 history or physical examination; and

3 D. Respondent failed to document a breast  
4 examination.

5 THIRTEENTH CAUSE FOR DISCIPLINE

6 (Incompetence)

7 17. Respondent Sydney Joseph Hayes, Jr., M.D., is  
8 subject to disciplinary action under sections 2234(d) of the  
9 Business and Professions Code in his treatment of his patient  
10 Kathryn B. as follows:

11 A. Respondent prescribed Depomedrol for  
12 Kathryn B. without a documented indication.

13 FOURTEENTH CAUSE FOR DISCIPLINE

14 (Prescribing without medical indication)

15 18. Respondent Sydney Joseph Hayes, Jr., M.D., is  
16 subject to disciplinary action under section 2242 of the Business  
17 and Professions Code in his treatment of his patient Kathryn B.  
18 as follows:

19 A. Respondent prescribed Depomedrol for  
20 Kathryn B. without a good faith medical indication for  
21 doing so.

22 FIFTHTEENTH CAUSE FOR DISCIPLINE

23 (Facts concerning patient Ann S.)

24 19. Respondent Sydney Joseph Hayes, Jr., is subject to  
25 disciplinary action under sections 2234(c) and section 2242 of  
26 the Business and Professions Code in his treatment of his patient  
27 Ann S. The circumstances are as follows:

1                   A. On or about July 31, 1992, an undercover  
2 operation was performed by a Board Investigator using  
3 the alias Ann S. She had an undercover MediCal card  
4 and was wearing a body transmitter. The investigator  
5 watched respondent take her blood pressure by  
6 continuously inflating the blood pressure cuff and  
7 thereafter stating that her blood pressure was elevated  
8 to 164/84.

9                   B. Respondent then proceeded to listen to  
10 her heart and lungs, palpated her neck or thyroid, and  
11 stated that her thyroid was "normal size and loose."  
12 He then examined her legs by tibial pressure and stated  
13 that she had edema. He recommended a series of two  
14 shots to reduce her blood pressure and edema. He also  
15 stated that she had a little tachycardia, but it was  
16 due to the elevated blood pressure. Respondent gave  
17 her prescriptions for Halcion and Xanax.

18                   SIXTEENTH CAUSE FOR DISCIPLINE

19                   (Repeated negligent Acts)

20                   20. Respondent Sydney Joseph Hayes, Jr., M.D., is  
21 subject to disciplinary action under sections 2234(c) of the  
22 Business and Professions Code in his treatment of his patient Ann  
23 S. as follows:

24                   A. Respondent failed to take an adequate  
25 history and perform an adequate physical examination of  
26 Ann S.;

27                   \\

1 B. Respondent diagnosed Ann S. as having  
2 hypertension based upon only one blood pressure  
3 reading; and

4 C. Respondent inappropriately recommended  
5 diuretic injections and prescribed Halcion and Xanax  
6 for Ann S.

7 SEVENTEENTH CAUSE FOR DISCIPLINE

8 (Prescribing without medical indication)

9 21. Respondent Sydney Joseph Hayes, Jr., M.D., is  
10 subject to disciplinary action under section 2242 of the Business  
11 and Professions Code in his care and treatment of his patient  
12 Sylvia H. as follows:

13 A. Respondent prescribed Xanax and Halcion  
14 for Ann S. without a good faith medical indication for  
15 doing so.

16 EIGHTEENTH CAUSE FOR DISCIPLINE

17 (Facts concerning patient Chuck C.)

18 22. Respondent Sydney Joseph Hayes, Jr., M.D., is  
19 subject to disciplinary action under section 2234(c) of the  
20 Business and Professions Code in his treatment of his patient  
21 Chuck C. as follows:

22 A. On or about May 11, 1994, a Board  
23 investigator went to see respondent as a patient using  
24 the alias Chuck C.

25 B. A syringe, needle and other medical  
26 instruments were lying on a dirty tray on the  
27 examination room table when Chuck C. entered the room.

1 C. When respondent arrived in the  
2 examination room, the first question he asked Chuck C.  
3 was whether Chuck C. had ever been molested or abused.  
4 Respondent then asked if Chuck C. was an addict or ever  
5 used drugs. Respondent asked Chuck C. approximately 20  
6 questions before asking Chuck C. why he had come to see  
7 him.

8 D. Chuck C. told respondent that he came to  
9 see him because he was tired and overweight.

10 E. Respondent recommended a shot containing  
11 "some liver, B12 and other stuff," which Chuck C.  
12 declined to take.

13 NINETEENTH CAUSE FOR DISCIPLINE

14 (Repeated Negligent Acts)

15 23. Respondent Sydney Joseph Hayes, Jr., M.D., is  
16 subject to disciplinary action under section 2234(c) of the  
17 Business and Professions Code in his treatment of his patient  
18 Chuck C. as follows:

19 A. Respondent immediately recommended  
20 injections to treat Chuck C.'s tiredness without  
21 further investigation; and

22 B. Respondent failed to take a good faith  
23 history and perform a good faith physical examination  
24 of Chuck C.

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